

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	
DEENA BETH ROSS, M.D.)	Case No. 17-2010-209377
)	
Physician's and Surgeon's)	
Certificate No. G 84236)	
)	
Respondent)	
_____)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 13, 2013.

IT IS SO ORDERED: August 15, 2013.

MEDICAL BOARD OF CALIFORNIA



Dev Gnanadev, M.D., Chair
Panel B

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 MARGARET J. PHE
Deputy Attorney General
4 State Bar No. 207205
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 576-7776
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 17-2010-209377

13 DEENA BETH ROSS, M.D.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 2112 Century Park Lane, #312
Los Angeles, California 90067

15 Physician's and Surgeon's Certificate G84236,
16
17 Respondent.

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Medical Board of California, the parties hereby agree to the
21 following Stipulated Settlement and Disciplinary Order that will be submitted to the Board for
22 approval and adoption as the final disposition of the Accusation.

23 PARTIES

24 1. Kimberly Kirchmeyer (Complainant) is the Interim Executive Director of the Medical
25 Board of California who brought this action solely in her official capacity. She is represented in
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Margaret J. Phe,
27 Deputy Attorney General.

28 2. Respondent Deena Beth Ross, M.D. (Respondent) is represented in this proceeding

1 by attorney Henry Lewin, of Lewin & Levin, 11377 West Olympic Boulevard, 5th Floor
2 Los Angeles, California 90064-1683

3 3. On or about October 31, 1997, the Board issued Physician's and Surgeon's certificate
4 number G 84236 to Respondent. That license was in full force and effect at all times relevant to
5 the charges brought in Accusation No. 17-2010-209377 and will expire on August 31, 2013,
6 unless renewed.

7 JURISDICTION

8 4. Accusation No. 17-2010-209377 was filed before the Board, and is currently pending
9 against Respondent. The Accusation and all other statutorily required documents were properly
10 served on Respondent on September 19, 2012. Respondent timely filed her Notice of Defense
11 contesting the Accusation.

12 5. A copy of Accusation No. 17-2010-209377 is attached as Exhibit A and is
13 incorporated herein by reference.

14 ADVISEMENT AND WAIVERS

15 6. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 17-2010-209377. Respondent has also carefully read,
17 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

19 7. Respondent is fully aware of her legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
21 her own expense; the right to confront and cross-examine the witnesses against her; the right to
22 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
23 compel the attendance of witnesses and the production of documents; the right to reconsideration
24 and court review of an adverse decision; and all other rights accorded by the California
25 Administrative Procedure Act and other applicable laws.

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.

28 ///

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 17-2010-209377, if proven at a hearing, constitute cause for imposing discipline upon her
4 Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest
8 those charges.

9 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
10 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
11 Disciplinary Order below.

12 12. Respondent agrees that if she ever petitions for early termination or modification of
13 probation, or if the Board ever petitions for revocation of probation, all of the charges and
14 allegations contained in Accusation No. 17-2010-209377 shall be deemed true, correct and fully
15 admitted by Respondent for purposes of that proceeding or any other licensing proceeding
16 involving Respondent in the State of California.

17 CONTINGENCY

18 13. This stipulation shall be subject to approval by the Board. Respondent understands
19 and agrees that counsel for Complainant and the staff of the Board may communicate directly
20 with the Board regarding this stipulation and settlement, without notice to or participation by
21 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that
22 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
23 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
24 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
25 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
26 be disqualified from further action by having considered this matter.

27 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
28 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and

1 effect as the originals.

2 15. In consideration of the foregoing admissions and stipulations, the parties agree that
3 the Board may, without further notice or formal proceeding, issue and enter the following
4 Disciplinary Order:

5 DISCIPLINARY ORDER

6 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. G 84236,
7 issued to Respondent Deena Beth Ross, M.D., is revoked. However, the revocation is stayed and
8 Respondent is placed on probation for a period of four (4) years on the following terms and
9 conditions:

10 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
11 completely from the personal use or possession of controlled substances as defined in the
12 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
13 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
14 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
15 illness or condition.

16 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
17 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
18 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
19 telephone number.

20 If Respondent has a confirmed positive biological fluid test for any substance (whether or
21 not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall
22 receive a notification from the Board or its designee to cease immediately the practice of
23 medicine. The Respondent shall not resume the practice of medicine until final decision on an
24 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
25 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
26 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
27 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent
28 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or

1 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
2 shall not apply to the reduction of the probationary time period.

3 If the Board does not file an accusation or petition to revoke probation within 15 days of the
4 issuance of the notification to cease practice or does not provide Respondent with a hearing
5 within 30 days of such a request, the notification of cease practice shall be dissolved.

6 2. EDUCATION COURSE. Within 60 calendar days of the effective date of this
7 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
8 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
9 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
10 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
11 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
12 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
13 completion of each course, the Board or its designee may administer an examination to test
14 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
15 hours of CME of which 40 hours were in satisfaction of this condition.

16 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
17 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
18 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
19 Respondent shall participate in and successfully complete that program. Respondent shall
20 provide any information and documents that the program may deem pertinent. Respondent shall
21 successfully complete the classroom component of the program not later than six (6) months after
22 Respondent's initial enrollment, and the longitudinal component of the program not later than the
23 time specified by the program, but no later than one (1) year after attending the classroom
24 component. The professionalism program shall be at Respondent's expense and shall be in
25 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

26 A professionalism program taken after the acts that gave rise to the charges in the
27 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
28 or its designee, be accepted towards the fulfillment of this condition if the program would have

1 been approved by the Board or its designee had the program been taken after the effective date of
2 this Decision.

3 Respondent shall submit a certification of successful completion to the Board or its
4 designee not later than 15 calendar days after successfully completing the program or not later
5 than 15 calendar days after the effective date of the Decision, whichever is later.

6 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
7 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
8 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
9 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
10 consider any information provided by the Board or designee and any other information the
11 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
12 designee. The Board's psychiatric evaluation conducted prior to the effective date of the
13 Decision shall be accepted towards the fulfillment of this requirement. Respondent shall pay the
14 cost of all psychiatric evaluations and psychological testing.

15 Respondent shall comply with all restrictions or conditions recommended by the evaluating
16 psychiatrist within 15 calendar days after being notified by the Board or its designee.

17 5. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
18 Respondent shall submit to the Board or its designee for prior approval the name and
19 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
20 has a doctoral degree in psychology and at least five years of postgraduate experience in the
21 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
22 undergo and continue psychotherapy treatment, including any modifications to the frequency of
23 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

24 The psychotherapist shall consider any information provided by the Board or its designee
25 and any other information the psychotherapist deems relevant and shall furnish a written
26 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
27 psychotherapist any information and documents that the psychotherapist may deem pertinent.

28 Respondent shall have the treating psychotherapist submit quarterly status reports to the

1 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
2 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
3 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
4 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
5 period of probation shall be extended until the Board determines that Respondent is mentally fit
6 to resume the practice of medicine without restrictions.

7 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

8 6. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective
9 date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a
10 practice and billing monitor(s), the name and qualifications of one or more licensed physicians
11 and surgeons whose licenses are valid and in good standing, and who are preferably American
12 Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current
13 business or personal relationship with Respondent, or other relationship that could reasonably be
14 expected to compromise the ability of the monitor to render fair and unbiased reports to the
15 Board, including but not limited to any form of bartering, shall be in Respondent's field of
16 practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring
17 costs.

18 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
19 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
20 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
21 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
22 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
23 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
24 signed statement for approval by the Board or its designee.

25 Within 60 calendar days of the effective date of this Decision, and continuing throughout
26 probation, Respondent's practice and billing shall be monitored by the approved monitor.
27 Respondent shall make all records available for immediate inspection and copying on the
28 premises by the monitor at all times during business hours and shall retain the records for the

1 entire term of probation.

2 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
3 date of this Decision, Respondent shall receive a notification from the Board or its designee to
4 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
5 shall cease the practice of medicine until a monitor is approved to provide monitoring
6 responsibility.

7 The monitor(s) shall submit a quarterly written report to the Board or its designee which
8 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
9 are within the standards of practice of both, and whether Respondent is practicing medicine
10 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
11 that the monitor submits the quarterly written reports to the Board or its designee within 10
12 calendar days after the end of the preceding quarter.

13 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
14 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
15 name and qualifications of a replacement monitor who will be assuming that responsibility within
16 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
17 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
18 notification from the Board or its designee to cease the practice of medicine within three (3)
19 calendar days after being so notified Respondent shall cease the practice of medicine until a
20 replacement monitor is approved and assumes monitoring responsibility.

21 In lieu of a monitor, Respondent may participate in a professional enhancement program
22 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
23 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
24 chart review, semi-annual practice assessment, and semi-annual review of professional growth
25 and education. Respondent shall participate in the professional enhancement program at
26 Respondent's expense during the term of probation.

27 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
28 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the

1 Chief Executive Officer at every hospital where privileges or membership are extended to
2 Respondent, at any other facility where Respondent engages in the practice of medicine,
3 including all physician and locum tenens registries or other similar agencies, and to the Chief
4 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
5 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
6 calendar days.

7 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

8 8. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
9 prohibited from supervising physician assistants.

10 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
11 governing the practice of medicine in California and remain in full compliance with any court
12 ordered criminal probation, payments, and other orders.

13 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
14 under penalty of perjury on forms provided by the Board, stating whether there has been
15 compliance with all the conditions of probation.

16 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
17 of the preceding quarter.

18 11. GENERAL PROBATION REQUIREMENTS.

19 Compliance with Probation Unit

20 Respondent shall comply with the Board's probation unit and all terms and conditions of
21 this Decision.

22 Address Changes

23 Respondent shall, at all times, keep the Board informed of Respondent's business and
24 residence addresses, email address (if available), and telephone number. Changes of such
25 addresses shall be immediately communicated in writing to the Board or its designee. Under no
26 circumstances shall a post office box serve as an address of record, except as allowed by Business
27 and Professions Code section 2021(b).

28 Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar

1 months, Respondent shall successfully complete a clinical training program that meets the criteria
2 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
3 Disciplinary Guidelines" prior to resuming the practice of medicine.

4 Respondent's period of non-practice while on probation shall not exceed two (2) years.

5 Periods of non-practice will not apply to the reduction of the probationary term.

6 Periods of non-practice will relieve Respondent of the responsibility to comply with the
7 probationary terms and conditions with the exception of this condition and the following terms
8 and conditions of probation: Obey All Laws; and General Probation Requirements.

9 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
10 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
11 completion of probation. Upon successful completion of probation, Respondent's certificate shall
12 be fully restored.

13 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
14 of probation is a violation of probation. If Respondent violates probation in any respect, the
15 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
16 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
17 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
18 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
19 the matter is final.

20 16. LICENSE SURRENDER. Following the effective date of this Decision, if
21 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
22 the terms and conditions of probation, Respondent may request to surrender his or her license.
23 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
24 determining whether or not to grant the request, or to take any other action deemed appropriate
25 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
26 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
27 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
28 to the terms and conditions of probation. If Respondent re-applies for a medical license, the

1 application shall be treated as a petition for reinstatement of a revoked certificate.

2 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
3 with probation monitoring each and every year of probation, as designated by the Board, which
4 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
5 California and delivered to the Board or its designee no later than January 31 of each calendar
6 year.

7 ACCEPTANCE

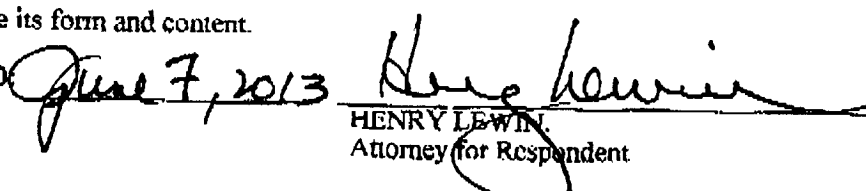
8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorney, Henry Lewin, Esq. I understand the stipulation and the effect it
10 will have on my Physician's and Surgeon's certificate. I enter into this Stipulated Settlement and
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Medical Board of California.

13
14 DATED: 06/07/2013


15 DEENA BETH ROSS, M.D.
16 Respondent

17 I have read and fully discussed with Respondent DEENA BETH ROSS, M.D. the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20 DATED: June 7, 2013


21 HENRY LEWIN
22 Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 6/7/2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



MARGARET J. PHE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 17-2010-209377

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 MARGARET J. PHE
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4 State Bar No. 207205
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov 20 2012
BY *[Signature]* ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **DEENA BETH ROSS, M.D.**

14 2112 Century Park Lane, #312
Los Angeles, CA 90067

15 Physician's and Surgeon's Certificate No. G 84236,
16 Respondent.

Case No. 17-2010-209377

FIRST AMENDED
ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California (Board).

22 2. On or about October 31, 1997, the Medical Board of California issued Physician's and
23 Surgeon's certificate number G 84236 to Deena Ross, M.D. (Respondent). The Physician's and
24 Surgeon's certificate was in full force and effect at all times relevant to the charges brought herein
25 and will expire on August 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2227 of the Code states:

2 “(a) A licensee whose matter has been heard by an administrative law judge of the Medical
3 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
4 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
5 action with the division, may, in accordance with the provisions of this chapter:

6 “(1) Have his or her license revoked upon order of the division.

7 “(2) Have his or her right to practice suspended for a period not to exceed one year upon
8 order of the division.

9 “(3) Be placed on probation and be required to pay the costs of probation monitoring upon
10 order of the division.

11 “(4) Be publicly reprimanded by the division.

12 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
13 the division or an administrative law judge may deem proper.

14 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
15 review or advisory conferences, professional competency examinations, continuing education
16 activities, and cost reimbursement associated therewith that are agreed to with the division and
17 successfully completed by the licensee, or other matters made confidential or privileged by
18 existing law, is deemed public, and shall be made available to the public by the board pursuant to
19 Section 803.1.”

20 5. Section 2234 of the Code states:

21 “The Division of Medical Quality¹ shall take action against any licensee who is charged
22 with unprofessional conduct. In addition to other provisions of this article, unprofessional
23 conduct includes, but is not limited to, the following:

24 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
25 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical
26 Practice Act].

27 ¹ As used herein, the Division of Medical Quality shall also be deemed to refer to the
28 Board. (See Cal. Bus. and Prof. Code, § 2002.)

1 “(b) Gross negligence.

2 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
3 omissions. An initial negligent act or omission followed by a separate and distinct departure from
4 the applicable standard of care shall constitute repeated negligent acts.

5 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
6 for that negligent diagnosis of the patient shall constitute a single negligent act.

7 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
8 constitutes the negligent act described in paragraph (1), including, but not limited to, a
9 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
10 applicable standard of care, each departure constitutes a separate and distinct breach of the
11 standard of care.

12 “(d) Incompetence.

13 “(e) The commission of any act involving dishonesty or corruption which is substantially
14 related to the qualifications, functions, or duties of a physician and surgeon.

15 “(f) Any action or conduct which would have warranted the denial of a certificate.”

16 6. Section 2236 of the Code states:

17 “(a) The conviction of any offense substantially related to the qualifications, functions, or
18 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
19 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
20 evidence only of the fact that the conviction occurred.

21 “(b) The district attorney, city attorney, or other prosecuting agency shall notify the
22 Division of Medical Quality of the pendency of an action against a licensee charging a felony or
23 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
24 notice shall identify the licensee and describe the crimes charged and the facts alleged. The
25 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
26 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
27 a license as a physician and surgeon.

28 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours

1 after the conviction, transmit a certified copy of the record of conviction to the board. The
2 division may inquire into the circumstances surrounding the commission of a crime in order to fix
3 the degree of discipline or to determine if the conviction is of an offense substantially related to
4 the qualifications, functions, or duties of a physician and surgeon.

5 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
6 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
7 shall be conclusive evidence of the fact that the conviction occurred.”

8 7. Section 2239 of the Code states:

9 “(a) The use or prescribing for or administering to himself or herself, of any controlled
10 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
11 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
12 any other person or to the public, or to the extent that such use impairs the ability of the licensee
13 to practice medicine safely or more than one misdemeanor or any felony involving the use,
14 consumption, or self-administration of any of the substances referred to in this section, or any
15 combination thereof, constitutes unprofessional conduct. The record of the conviction is
16 conclusive evidence of such unprofessional conduct.

17 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
18 deemed to be a conviction within the meaning of this section. The Division of Medical Quality
19 may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing
20 may order the denial of the license when the time for appeal has elapsed or the judgment of
21 conviction has been affirmed on appeal or when an order granting probation is made suspending
22 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
23 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of
24 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint,
25 information, or indictment.”

26 VEHICLE CODE STATUTES

27 8. Section 4461, subdivision (c), of the Vehicle Code provides:

28 “Except for the purpose of transporting a disabled person as specified in subdivision (b), a

1 person shall not display a disabled person placard that was not issued to him or her or that has
2 been canceled or revoked pursuant to Section 22511.6. A violation of this subdivision is subject
3 to the issuance of a notice of parking violation imposing a civil penalty of not less than two
4 hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), for which
5 enforcement shall be governed by the procedures set forth in Article 3 (commencing with Section
6 40200) of Chapter 1 of Division 17 or is a misdemeanor punishable by a fine of not less than two
7 hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), imprisonment in
8 the county jail for not more than six months, or both that fine and imprisonment."

9 9. Section 23109 of the Vehicle Code provides in part:

10 " . . .

11 "(c) A person shall not engage in a motor vehicle exhibition of speed on a highway, and a
12 person shall not aid or abet in a motor vehicle exhibition of speed on any highway."

13 PENAL CODE STATUTES

14 10. Section 242 of the Penal Code provides:

15 "A battery is any willful and unlawful use of force or violence upon the person of another."

16 11. Section 459 of the Penal Code provides:

17 "Every person who enters any house, room, apartment, tenement, shop, warehouse, store,
18 mill, barn, stable, outhouse or other building, tent, vessel, as defined in Section 21 of the Harbors
19 and Navigation Code, floating home, as defined in subdivision (d) of Section 18075.55 of the
20 Health and Safety Code, railroad car, locked or sealed cargo container, whether or not mounted
21 on a vehicle, trailer coach, as defined in Section 635 of the Vehicle Code, any house car, as
22 defined in Section 362 of the Vehicle Code, inhabited camper, as defined in Section 243 of the
23 Vehicle Code, vehicle as defined by the Vehicle Code, when the doors are locked, aircraft as
24 defined by Section 21012 of the Public Utilities Code, or mine or any underground portion
25 thereof, with intent to commit grand or petit larceny or any felony is guilty of burglary. As used
26 in this chapter, "inhabited" means currently being used for dwelling purposes, whether occupied
27 or not. A house, trailer, vessel designed for habitation, or portion of a building is currently being
28 used for dwelling purposes if, at the time of the burglary, it was not occupied solely because a

1 natural or other disaster caused the occupants to leave the premises.”

2 12. Section 484, subdivision (a), of the Penal Code provides:

3 “Every person who shall feloniously steal, take, carry, lead, or drive away the personal
4 property of another, or who shall fraudulently appropriate property which has been entrusted to
5 him or her, or who shall knowingly and designedly, by any false or fraudulent representation or
6 pretense, defraud any other person of money, labor or real or personal property, or who causes or
7 procures others to report falsely of his or her wealth or mercantile character and by thus imposing
8 upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or
9 property or obtains the labor or service of another, is guilty of theft. In determining the value of
10 the property obtained, for the purposes of this section, the reasonable and fair market value shall
11 be the test, and in determining the value of services received the contract price shall be the test. If
12 there be no contract price, the reasonable and going wage for the service rendered shall govern.
13 For the purposes of this section, any false or fraudulent representation or pretense made shall be
14 treated as continuing, so as to cover any money, property or service received as a result thereof,
15 and the complaint, information or indictment may charge that the crime was committed on any
16 date during the particular period in question. The hiring of any additional employee or employees
17 without advising each of them of every labor claim due and unpaid and every judgment that the
18 employer has been unable to meet shall be prima facie evidence of intent to defraud.”

19 13. Section 666 of the Penal Code provides:

20 “(a) Notwithstanding Section 490, every person who, having been convicted three or more
21 times of petty theft, grand theft, auto theft under Section 10851 of the Vehicle Code, burglary,
22 carjacking, robbery, or a felony violation of Section 496 and having served a term therefor in any
23 penal institution or having been imprisoned therein as a condition of probation for that offense, is
24 subsequently convicted of petty theft, then the person convicted of that subsequent offense is
25 punishable by imprisonment in the county jail not exceeding one year, or imprisonment pursuant
26 to subdivision (h) of Section 1170.

27 “(b) Notwithstanding Section 490, any person described in paragraph (1) who, having been
28 convicted of petty theft, grand theft, auto theft under Section 10851 of the Vehicle Code,

1 burglary, carjacking, robbery, or a felony violation of Section 496, and having served a term of
2 imprisonment therefor in any penal institution or having been imprisoned therein as a condition of
3 probation for that offense, who is subsequently convicted of petty theft, is punishable by
4 imprisonment in the county jail not exceeding one year, or in the state prison.

5 “(1) This subdivision shall apply to any person who is required to register pursuant to the
6 Sex Offender Registration Act, or who has a prior violent or serious felony conviction, as
7 specified in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7.

8 “(2) This subdivision shall not be construed to preclude prosecution or punishment pursuant
9 to subdivisions (b) to (i), inclusive, of Section 667, or Section 1170.12.”

10 FIRST CAUSE FOR DISCIPLINE

11 (Conviction of a Crime: Exhibition of Speed in 2011)

12 14. Respondent is subject to disciplinary action under sections 2234, 2236, and 2239 of
13 the Code and section 23109, subdivision (c), of the Vehicle Code, in that she was convicted of a
14 crime substantially related to the qualifications, functions or duties of a physician. The
15 circumstances are as follows:

16 15. On or about October 12, 2011, in the Airport Courthouse of the Los Angeles County
17 Superior Court, in proceedings entitled *The People of the State of California v. Deena Beth Ross*,
18 case number 0WA03304, Respondent was convicted of exhibition of speed following a plea of
19 nolo contendere in violation of Vehicle Code section 23109, subdivision (c), a misdemeanor.

20 16. On or about September 7, 2010, at approximately 11:00 p.m., Los Angeles Police
21 Department officers responded to an ambulance call regarding a traffic collision at Cattaraugus
22 Avenue and Castle Heights. Upon arrival to the scene of the incident, Respondent was observed
23 sitting on the driver seat of a Lexus facing north bound in the south bound lane along the west
24 curb of Cattaraugus Avenue just south of Castle Heights. Respondent was talking to the
25 paramedics through the passenger side window, and refused examination. Officer Chandra then
26 asked Respondent to step out of her vehicle. Respondent exited through the passenger side door
27 since the driver's side was against a black Buick Regal that was partially resting on the west
28 sidewalk of Cattaraugus Avenue. Respondent reportedly informed the officer that she was the

1 driver of the vehicle, that she did not know what happened, and that she was driving and trying to
2 make a right turn on Beverly. She denied drinking any alcohol and informed the officer that she
3 was a physician.

4 17. Notably, Respondent was uncooperative. She was observed to have an unsteady gait,
5 and displayed objective symptoms of driving while under the influence, including slurred and
6 rapid speech, impaired coordination, and bloodshot and watery eyes. She admitted that she
7 ingested Soma,² Ritalin³ and Cymbalta⁴ earlier in the day. Respondent complied with the request
8 to perform standardized field sobriety tests. However, she failed to perform them as explained
9 and demonstrated. Consequently, Officer Chandra formed the opinion that Respondent was
10 under the influence of an intoxicant and unable to safely operate a motor vehicle. Thereafter,
11 Respondent was arrested for driving while under the influence in violation of Vehicle Code
12 section 23152, subdivision (a), and she was transported to the West Los Angeles station for
13 chemical testing. Following the chemical admonition, Respondent provided a breath sample,
14 which yielded results of 0.00% and 0.00%. A drug influence evaluation was also conducted on
15 Respondent. Officer Newman formed the opinion that Respondent was under the influence of a
16 combined central nervous system (CNS) depressant and CNS stimulant. After the drug
17 admonition was read to Respondent, she at first indicated she would provide a urine sample but

18 ² Soma is a muscle relaxer that works by blocking pain sensations between the nerves and
19 the brain. It is used together with rest and physical therapy to treat injuries and other painful
20 musculoskeletal conditions.

21 ³ Ritalin (methylphenidate) is a central nervous system stimulant. It affects chemicals in
22 the brain and nerves that contribute to hyperactivity and impulse control. Ritalin is used to treat
23 attention deficit disorder (ADD) and attention deficit hyperactivity disorder (ADHD). Ritalin is
also used in the treatment of a sleep disorder called narcolepsy (an uncontrollable desire to sleep).
When given for attention deficit disorders, Ritalin should be an integral part of a total treatment
program that may include counseling or other therapies.

24 ⁴ Cymbalta (duloxetine) is an antidepressant in a group of drugs called selective serotonin
25 and norepinephrine reuptake inhibitors (SSNRIs). Cymbalta affects chemicals in the brain that
26 may become unbalanced and cause depression. Cymbalta is used to treat major depressive
27 disorder and general anxiety disorder. Cymbalta is also used to treat a chronic pain disorder
called fibromyalgia, treat pain caused by nerve damage in people with diabetes (diabetic
neuropathy) and to treat chronic musculoskeletal pain, including discomfort from osteoarthritis
and chronic lower back pain.

1 later decided not to. Subsequently, she was transported to Van Nuys Jail, where she refused
2 medical treatment and refused to provide a urine sample.

3 18. On or about November 8, 2010, a misdemeanor criminal complaint was filed in *The*
4 *People of the State of California v. Deena Beth Ross*, in the Airport Courthouse of the Los
5 Angeles County Superior Court, charging Respondent with one count of driving under the
6 influence of alcohol or drugs in violation of Vehicle Code section 23152, subdivision (a).

7 19. On or about October 12, 2011, the case was called for a jury trial. The Complaint
8 was amended by interlineation to add a count two exhibition of speed violation under Vehicle
9 Code section 23109, subdivision (c). Respondent was then convicted of Count Two following a
10 plea of nolo contendere. Count One was dismissed due to plea negotiation. As to Count Two, the
11 court suspended the imposition of sentence and placed Respondent on summary probation for two
12 years. Respondent was also ordered to: (1) pay fines, assessments and fees totaling \$925 or serve
13 8 days in Los Angeles County Jail; (2) not drive a motor vehicle with any measurable or
14 detectable amount of alcohol or intoxicating drug; (3) not drive a motor vehicle without a valid
15 driver's license in possession or without liability insurance; and (4) obey all laws and orders of
16 the court.

17 20. On or about January 20, 2012, the Los Angeles City Attorney's office filed a request
18 for revocation of probation, notice of probation violation hearing, and declaration in support
19 thereof.

20 21. On or about January 24, 2012, the case was called for hearing for possible violation
21 of probation. Respondent's probation was revoked.

22 22. On or about June 26, 2012, the case was called for probation violation hearing, and
23 Respondent's probation remained revoked.

24 SECOND CAUSE FOR DISCIPLINE

25 (Conviction of a Crime: Petty Theft in 2010)

26 23. Respondent is subject to disciplinary action under sections 2234, 2236, and 2239 of
27 the Code and section 666 of the Penal Code, in that she was convicted of a crime substantially
28 related to the qualifications, functions or duties of a physician. The circumstances are as follows:

1 24. On or about November 12, 2010, in the Airport Courthouse of the Los Angeles
2 County Superior Court, in proceedings entitled *The People of the State of California v. Deena*
3 *Ross*, case number SA075321, Respondent was convicted of petty theft following a plea of nolo
4 contendere in violation of Penal Code section 666, a misdemeanor.

5 25. On or about August 19, 2010, at approximately 6:50 p.m., Los Angeles Police
6 Department officers responded to a radio call at Gelson's Supermarket at Santa Monica
7 Boulevard in Los Angeles. Upon arrival, the officers were met by a plain clothes loss prevention
8 agent for Gelson's. The loss prevention agent reportedly observed Respondent take multiple bags
9 of candy from the store shelves, conceal them, place them into her purse, and exit the store
10 without paying for the merchandise. Respondent was then transported to the West Los Angeles
11 Station. A prior criminal history check revealed a previous arrest and conviction of petty theft in
12 violation of Penal Code section 484, subdivision (a). Subsequently, Respondent was arrested and
13 booked for petty theft with a prior in violation of Penal Code section 666.

14 26. On or about September 9, 2010, a felony criminal complaint was filed in *The People*
15 *of the State of California v. Deena Ross*, case number SA075321, charging Respondent with one
16 count of petty theft with a prior in violation of Penal Code section 666, a felony, and the
17 following alleged prior convictions of (1) theft in violation of Penal Code section 484,
18 subdivision (a), on July 29, 1999, and (2) burglary in violation of 459, on February 27, 2001.

19 27. On or about November 12, 2010, the case was called for a preliminary hearing
20 setting. On the People's motion, the Court ordered the Complaint deemed amended to allege
21 Count One as a misdemeanor pursuant to Penal Code section 17, subdivision (b). Respondent
22 was convicted of petty theft following a plea of nolo contendere. The court suspended the
23 imposition of sentence, placed Respondent on summary probation for three years, and ordered
24 Respondent to: (1) serve 2 days in Los Angeles County Jail less credit for 2 days plus pay fines,
25 assessment and restitution fees totaling \$170; (2) perform 240 hours of community service; (3)
26 not own, use or possess any dangerous or deadly weapons, including any firearms, knives or other
27 weapons; (4) use only her true name stated to be Deena Ross; (5) use only true name, birthdate
28 and address, and do not give away false information to any peace officer at any time; (6) not use

1 or possess any narcotics, dangerous or restricted drugs or associated paraphernalia, except with a
2 valid prescription and stay away from places where users or sellers congregate; (7) not associate
3 with drug users or sellers unless attending a drug treatment program; (8) not use or threaten to use
4 force or violence on any person; (9) not annoy harass or molest any person or witness involved in
5 the case; (10) not associate / stay away from Gelson's market; (11) continue a one-year
6 psychological program; (12) not self medicate; and (13) obey all laws and orders of the court.

7 28. On or about January 24, 2012, the case was called for possible violation of probation.
8 Respondent's probation was revoked.

9 29. On or about June 26, 2012, the case was called for probation violation hearing, and
10 Respondent's probation remained revoked.

11 THIRD CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct)

13 30. Respondent is subject to disciplinary action under section 2234 of the Code in that
14 she engaged in unprofessional conduct. The circumstances are as follows:

15 31. The facts and allegations set forth in paragraphs 14 through 29 above are incorporated
16 here as if fully set forth.

17 DISCIPLINE CONSIDERATIONS

18 32. To determine the degree of discipline, if any, to be imposed on Respondent,
19 Complainant alleges that on or about July 29, 1999, in a prior criminal proceeding entitled *The*
20 *People of the State of California v. Deena Beth Ross* in the Airport Courthouse of the Los
21 Angeles County Superior Court, case number 9WL02335, Respondent was convicted of petty
22 theft in violation of Penal Code section 484, subdivision (a), a misdemeanor. The imposition of
23 sentence was suspended, and Respondent was placed on summary probation for a period of 18
24 months. She was also ordered to pay fines, assessments and fees totaling \$577.00 or serve 5 days
25 in Los Angeles County Jail, and obey all laws and further orders of the court. On or about
26 December 3, 1999, the case was called for probation violation hearing, and Respondent's
27 probation was revoked. On or about January 6, 2000, Respondent's probation was reinstated and
28 her probationary period was extended 18 months to July 29, 2002. The record of the criminal

1 proceeding is incorporated as if fully set forth.

2 33. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about January 6, 2000, in a prior criminal proceeding entitled *The*
4 *People of the State of California v. Deena Ross* in the Airport Courthouse of the Los Angeles
5 County Superior Court, case number 9WL03757, Respondent was convicted for unlawful display
6 of disabled person placard in violation of Vehicle Code section 4461, subdivision (c), a
7 misdemeanor. The imposition of sentence was suspended, and Respondent was placed on
8 summary probation for a period of 36 months under the following terms and conditions: (1) she
9 pay fines, assessments and fees totaling \$1,451.00; (2) Respondent not annoy, harass or molest
10 anyone involved in the case; (3) she not threaten or use force or violence against anyone; and (4)
11 she obey all laws and further orders of the court. The record of the criminal proceeding is
12 incorporated as if fully set forth.

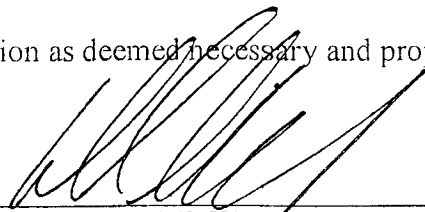
13 34. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges that on or about February 27, 2001, in a prior criminal proceeding entitled
15 *The People of the State of California v. Deena Beth Ross* in the West District Beverly Hills
16 Courthouse of the Los Angeles County Superior Court, case number SA040195, Respondent was
17 convicted for burglary in violation of Penal Code section 459 and battery in violation of Penal
18 Code section 242, both misdemeanors. The imposition of sentence was suspended and
19 Respondent was placed on summary probation for a period of 36 months under the following
20 terms and conditions: (1) Respondent serve one day in Los Angeles County Jail less credit for one
21 day; (2) she pay fines, assessments and fees totaling \$1,045.00; (3) she perform 240 hours
22 community service; (4) she stay away from Whole Foods Market; (5) Respondent use only her
23 true name with government and police officials; (6) she continue counseling; (7) she take
24 medications as prescribed by physician; and (8) she obey all laws and further orders of the court.
25 The record of the criminal proceeding is incorporated as if fully set forth.

26 PRAYER

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Medical Board of California issue a decision:

- 1 1. Revoking or suspending Physician's and Surgeon's certificate Number G 84236,
- 2 issued to Respondent Deena Beth Ross, M.D.;
- 3 2. Revoking, suspending or denying approval of Respondent's authority to supervise
- 4 physician assistants, pursuant to section 3527 of the Code;
- 5 3. Ordering Respondent to pay the Board, if placed on probation, the costs of probation
- 6 monitoring; and
- 7 4. Taking such other and further action as deemed necessary and proper.

8
9 DATED: November 20, 2012


LINDA K. WHITNEY
Executive Director
Medical Board of California
State of California
Complainant